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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 JUN 23 AM 10:47

UNITED STATES OF AMERICA,

Plaintiff,

v.

Alejandro Felix HERNANDEZ,

Defendant.

'08 MJ1928

Magistrate Case No. CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

COMPLAINT FOR VIOLATION OF DEPUTY

Title 8, U.S.C., Section 1326

Attempted Entry After

Deportation

The undersigned complainant being duly sworn states:

On or about **June 21st, 2008**, within the Southern District of California, defendant **Alejandro Felix HERNANDEZ**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT  
Sara Esparagoza, United States Customs  
and Border Protection Enforcement Officer

Sworn to before me and subscribed in my presence this **23rd** day of **June**, 2008.

UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, United States Customs and Border Protection (CBP) Enforcement Officer Liliana De Anda, declare under penalty of perjury the following to be true and correct:

On June 21st, 2008 at about 12:46 AM, **Alejandro Felix HERNANDEZ (Defendant)** made application for admission into the United States at San Ysidro Port of Entry through the pedestrian entrance. Defendant presented himself for inspection before United States Customs and Border Protection (CBP) Officer. Defendant told the CBP officer he was a United States citizen by virtue of birth in San Bernardino, California. Defendant presented as proof of his identity a California Driver License bearing his name and picture. CBP Officer received a negative customs declaration from Defendant. CBP Officer performed a name query resulting on a computer generated referral. CBP officer referred Defendant to pedestrian secondary area for further inspection.

During a secondary inspection, Defendant was queried by fingerprint and photograph comparison through the Automated Biometric Identification System (IDENT). IDENT record identified Defendant as a citizen of Mexico who has been previously deported/ removed. Defendant's identity was verified by 10-digit fingerprint submission through the Integrated Automated Fingerprint Identification System (IAFIS). IAFIS response linked Defendant to Immigration Service and FBI records.

Checks of Immigration Service records, including the Immigration Central Index System (CIS) and Deportable Alien Control System (DACS) information confirmed Defendant to be a citizen of Mexico with no legal documents to enter the United States. DACS records indicate Defendant was ordered deported/removed by an Immigration Judge from the United States to Mexico on or about June 28<sup>th</sup>, 2007. DACS also indicates Defendant was subsequently removed from the United States to Mexico through San Ysidro, California.

Immigration Service records contain no evidence that Defendant has applied for or received permission from the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security to legally seek reapplication for admission.

Executed on this 21st day of June 2008 at 4:00 AM.

  
Liliana De Anda / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of 1 page, I find probable cause to believe that the defendant named therein committed the offense on June 21st, 2008 in violation of Title 8, United States Code, Section 1326.

  
MAGISTRATE JUDGE

6/21/08 12:30 pm  
DATE/ TIME